EXHIBIT 4

DECLARATION OF MARK BECKER

I, Mark Becker, declare as follows:

1. I am the President of the Association of Public & Land-grant Universities ("APLU"). I have held that position since September 2022. I previously served as a member of APLU's Board of Directors and as Chair of the Board for the Coalition of Urban Serving Universities. Prior to leading APLU, I spent more than three decades at the different types of universities that comprise APLU's membership, including as a post-doctoral fellow, professor, dean, provost, and university president. I make this declaration in support of Plaintiffs' Complaint in this matter and the forthcoming Emergency Motion for a Temporary Restraining Order.

2. As President of APLU, I have personal knowledge of the contents of this declaration, or have knowledge of the matters based on my review of information and records gathered by APLU personnel or personnel of our members, and could testify thereto.

3. Founded in 1887, APLU is a membership organization that fosters a community of university leaders collectively working to advance the mission of public research universities. Its U.S. membership consists of more than 230 public research universities, land-grant institutions, state university systems, and affiliated organizations spanning across all 50 U.S. states, the District of Columbia, and six U.S. territories. Our members include universities ranging from rural to urban institutions, and from emerging research institutions to the most highly intensive centers of academic research. APLU and its members collectively focus on increasing student success and workforce readiness, promoting pathbreaking scientific research, and bolstering economic and community engagement.

4. In particular, APLU supports a community of public research university leaders to address the challenges facing their communities, states, country, and world. APLU advocates for "public impact research," a broad label used to describe how university research positively impacts

society, and it strives to help university leaders emphasize the value of collaborative research with communities. APLU's member institutions, in turn, are on the front lines seeking solutions to the challenges and threats facing society.

5. The federal government has selected APLU member institutions to conduct a wide variety of vital research projects on behalf of American citizens, funded in part by agency awards from across the federal government, including but not limited to the U.S. Department of Energy (DOE). For example, in fiscal year 2022, 188 APLU member institutions received more than $1.9 billion in research grant funding from DOE. In working with universities, the federal government has an efficient and cost-effective partner for conducting the research it funds on behalf of the American people.

6. APLU member institutions rely on federal support from DOE, the federal government's largest funder of the physical sciences research, to enhance groundbreaking scientific discoveries; advance key emerging technologies such as quantum science, artificial intelligence (AI), and biotechnology; advance energy technologies required for the United States to achieve scientific dominance; and maintain the highly skilled science and technology workforce that is essential for the United States to compete globally. DOE supported researchers have been integral to the development of countless innovative technologies, including imaging technologies like MRI machines and PET scans; material sciences like nanotechnology and composite materials for military hardware and motor vehicles; energy sources and storage like biofuels, newer and safer nuclear reactor designs, electric vehicle battery technology; and advances in biotechnology like improved genome sequencing. As competition with China heightens in these critical and emerging technology sectors, the United States will be ill-equipped to compete if university researchers are sidelined due to the indirect cost cuts.

7. APLU member universities include, among many others, the University of Nevada Reno ("UNR"), the University of Colorado Boulder ("CU Boulder"), and Cornell University. I understand that these APLU members are submitting declarations in this litigation, which provide institution-specific detail on the matters described here.

8. Research funded by DOE at APLU member universities has a direct impact on critical research that supports the United States' energy independence, global competitiveness, national security, public safety, and industrial capacity.

9. On a typical DOE grant, the funding amount must cover both "direct costs," which are expenses directly related to the specific grant activity, and "indirect costs," which cover essential overhead expenses such as facilities, equipment, utilities, support staff, and financial administration. Indirect costs also include operations that allow research to proceed safely and responsibly, such as proper hazardous waste disposal and compliance with government regulations regarding animal and human subject safety. Indirect cost reimbursements are vital to the operation of the federally funded research system, which includes the DOE-sponsored activities conducted at APLU member institutions. Direct allocable costs on DOE awards fall well short of covering the real, comprehensive cost of sponsored research, as they do not reflect the full facilities and administration costs that APLU member institutions must incur in order to be able to perform the work.

11. The DOE policy creates an immediate financial emergency for many APLU member institutions that rely on DOE funding, impacting institutions both small and large. If the policy is permitted to remain in effect, it will irreparably harm research at APLU member institutions—research that directly benefits society and American competitiveness. Such a dramatic reduction in allowable indirect costs on three days' notice— especially for ongoing research activities that APLU member institutions have already budgeted for in their current fiscal year—will immediately impair the universities' ability to conduct sponsored research in compliance with the underlying award agreements and all applicable laws.

12. Specifically, a dramatically reduced indirect cost rate will lead to cuts in the operating budget for personnel who support the research enterprise both directly and indirectly, including research staff, research administration officers, security, technical maintenance, financial staff, and janitorial staff. It will also have harmful impacts on lab maintenance, library operations, IT operations, the purchase and renovation of specialized facilities, and utilities. Moreover, this harm is not limited to monetary damages that can be rectified with a compensatory award later on. Even if the indirect cost rate were increased at a later date, if a research facility must be closed in the interim because its operation and maintenance can no longer be supported, or if key personnel or materials are lost, then the APLU member institution would immediately lose its ongoing investment in that research infrastructure and likely have a diminished ability to restart or undertake that research in the future.

13. Reliance interests are also at stake. For each DOE award, APLU member institutions necessarily rely on both the direct cost and indirect cost allocations in formulating their overall operating budgets for any given year. These allocations are used to plan for annual staffing needs, infrastructure support (e.g., IT networks, regulatory compliance, and grant management

support), facility building and renovation. and equipment purchases to support a broad range of overlapping research activities.

14. I understand several APLU member universities will explain in their own declarations the devastating harm the reduction in indirect cost funding will cause them. But I offer a few examples to illustrate the crisis our members are facing.

15. As set forth more fully in its own declaration, UNR's active DOE grants total approximately $43 million, including over $9 million in indirect costs. These funds support critical energy and environmental research with important benefits for national security and public safety, including research to ensure safe nuclear storage, ready access to domestically secure clean energy sources, and effective nuclear stockpile management. The facilities at which this research takes place and the equipment used require significant expenditures that will not be possible at an indirect cost rate of 15 percent—less than half UNR's current indirect cost rate of 47 percent—which would reduce UNR's anticipated annual indirect cost recovery by $1.8 million. As a result, UNR would suffer support staffing reductions across the board from day one. Due to the nature of UNR's DOE-funded research, especially its nuclear research, the loss of technical support staff will pose serious regulatory, environmental, and safety concerns that cannot be remedied after the fact. UNR cannot solve this funding problem itself in the interim, because it lacks a ready source of sufficient funding that is not already committed to other mission-critical purposes.

16. In addition, as set forth more fully in its own declaration, CU Boulder receives significant annual funding from DOE, with such funding projected at over $40 million in direct costs and over $14 million in indirect costs annually for the next five years. These funds support renewable energy research critical to the United States' energy security; quantum research with applications in computing, energy conversion, space science, and national security; and research

about how to secure the national electric grid, among others. The facilities at which this research takes place and the equipment used require significant expenditures that will not be possible at an indirect cost rate of 15 percent—less than one-third CU Boulder's current indirect cost rate of 56.5 percent—which would reduce CU Boulder's projected indirect cost recovery by over $8 million. As a result, CU Boulder would have to eliminate approximately 25 critical staff positions. This and other operational challenges will cause disruptions to research that, even if only temporary, will contribute to the United States falling behind foreign adversaries and hinder our energy, national, and economic security. CU Boulder cannot solve this funding problem itself in the interim, because it lacks a ready source of sufficient funding that is not already committed to other mission-critical purposes.

17. As set forth more fully in its own declaration, Cornell University also receives significant funding from DOE, with such funding for Fiscal Year 2024 totaling approximately $30 million, including about $8.5 million in indirect costs, across more than 110 awards. These funds go to critical energy research projects (including by faculty who have won awards from DOE itself), such as alkaline-based energy research that will reduce reliance on precious metals whose supply is controlled by foreign powers; research on alternative materials for batteries that are more readily available domestically; and research on more material- and energy-efficient manufacturing technologies for heavy industry, among **others.** The facilities at which this research takes place and the equipment used require significant expenditures that will not be possible at an indirect cost rate of 15 percent—less than a quarter of Cornell's current indirect cost rate of 64 percent—which would reduce Cornell's indirect cost recovery by approximately $8 million in a typical fiscal year. Cornell would have to consider laying off not only support staff, but also research staff, to bridge the gap. A sudden loss in funding would increase the time for students to complete their degrees

and in some instances, discourage them from completing their research altogether. Cornell cannot solve this funding problem itself in the interim because it lacks a ready source of sufficient funding that is not already committed to other mission-critical purposes, and New York state law limits the extent to which universities may draw down on their endowments.

18. The devastating impact of the DOE policy is not limited to APLU member institutions. Many APLU member institutions are the largest employers in their states and local regions. If the reduction in the indirect cost rate requires personnel cuts, that loss of employment will not only harm the affected employees and their families, but also the overall economic stability of APLU member institutions' local communities. The APLU member institution may also have to reduce the amount of equipment, labor, and local services used to maintain its facilities, lowering the overall economic activity in the local area.

19. More broadly, the DOE policy will undermine the continuity and feasibility of sponsored research that results in breakthroughs sought by DOE, which provide significant social and economic value to the nation. The United States is a stronger, more secure, and more economically vibrant country as a result of the collective benefits arising from federally sponsored research. In addition, the next generation of scientists, engineers, and other skilled workers develop their critical expertise while learning and working at research universities such as APLU member institutions. The DOE policy would drastically reduce the positive impact of this work, as well as the pipeline of educated professionals that U.S. industry relies on to be internationally competitive. Slowdowns or halts in DOE funded research by APLU member institutions will allow competitor nations, who are properly maintaining their investments in research, to surpass the United States on this front, threatening American national security and economic dominance.

20. Temporary injunctive relief is needed to protect against these disastrous consequences. Even if the DOE policy is ultimately rescinded or held to be invalid, APLU member institutions do not have the ability to cover such a dramatic reduction in indirect cost recovery during the course of protracted litigation. Nor can APLU member institutions' endowments be simply redirected to make up for these losses. Endowments are an important institutional asset that provide universities with stability over time, allowing campus leaders to think long-term about how best to meet the needs of their communities. Endowments are also complex assets with many legal requirements stipulating ho'w they can be used. And not all universities have large endowments, or any endowment at all—in fact, of the public institutions that have endowments, nearly half are valued at less than $50 million. Even for the public universities with the largest endowments, they are still relatively modest after taking into account the student populations of those institutions. It is important to consider an institution's endowment size relative to the number of students that institution serves—individual public universities can serve tens of thousands of students, and the largest public university systems serve hundreds of thousands of students.

21. While there is some variation among states and institutions, public universities typically receive substantial operational funding from their states for education, but they rely largely on the federal government for support for scientific research. Public universities cannot expect states will fill the substantial financial gaps created by DOE's reductions. Further, many public universities foresee substantial financial challenges ahead given the potential for an economic downturn combined with national demographic trends that create substantial enrollment challenges for many state institutions.

22. As non-profit institutions, APLU member institutions reinvest nearly all of their revenues into mission-critical activities, leaving little margin to absorb unexpected funding gaps.

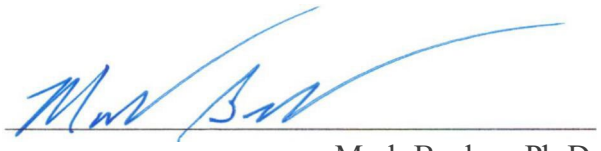
In other words, unlike for-profit organizations, APLU member institutions do not generate significant financial surpluses that can be redirected without impacting core academic priorities such as education programs and financial aid support for students.

23. Absorbing the cost of a lower indirect cost rate, even if it were possible, would also create long-term budget pressures on APLU member institutions—which would in turn force reductions in key investments supporting APLU member institutions' faculty, students, staff, research, and teaching infrastructure, as well as other critical activities needed to maintain APLU member universities' academic excellence.

24. If APLU member institutions must choose between award termination and maintaining an award at a 15% indirect cost rate that does not cover their true costs, they will often have to choose termination—as many institutions will not be able to sustain the research discussed here at that rate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 13, 2025, at Washington, D.C.



Mark Becker, Ph.D.